

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: : **STANDING ORDER NO. 11-3**
APPOINTMENT OF COUNSEL IN :
PROCEEDINGS RELATED TO THE :
RETROACTIVE APPLICATION OF :
GUIDELINE AMENDMENT 750 :

ORDER

WHEREAS on August 3, 2010, the President signed into law the Fair Sentencing Act of 2010, which reduced mandatory minimum sentences previously based on a 100-to-1 quantity ratio between crack and powder cocaine, and directed the United States Sentencing Commission to promulgate an emergency amendment to the Federal Sentencing Guidelines implementing this lower ratio to the applicable guidelines range for offenses involving crack cocaine;

WHEREAS on November 1, 2010, the Sentencing Commission promulgated an emergency amendment to the Sentencing Guidelines to lower the applicable guidelines range for offenses involving crack cocaine, which will become permanent on November 1, 2011;

WHEREAS on June 30, 2011, the Sentencing Commission promulgated Amendment 750 to Policy Statement § 1B1.10, effective November 1, 2011, which authorizes a court to reduce a previously imposed term of imprisonment pursuant to 18 U.S.C. § 3582(c)(2) in cases involving crack cocaine offenses where the applicable guideline range has been lowered;

WHEREAS it is estimated that many defendants sentenced by the Court may be eligible for reductions as a result of this change to the Sentencing Guidelines, and this Court has determined that the interests of justice require that counsel be provided to such defendants;

THEREFORE, IT IS ORDERED THAT, effectively immediately, where it appears that a defendant may be eligible for a sentence reduction consistent with Policy Statement §

that a defendant may be eligible for a sentence reduction consistent with the new crack cocaine drug quantities that trigger mandatory minimums and statutory maximums in the Fair Sentencing Act, the Federal Public Defender for the United States District Court for the Middle District of Pennsylvania is appointed as counsel for all financially eligible persons, consistent with 18 U.S.C. § 3006A and the Criminal Justice Act Plan of the United States District Court for the Middle District of Pennsylvania, in all proceedings held in this Court pursuant to 28 U.S.C. § 2255 arising from the above-described new mandatory minimum sentences in the Fair Sentencing Act. In the event the Federal Public Defender is unable to represent a defendant in such proceedings, the Federal Public Defender shall designate an attorney in accordance with the Criminal Justice Act Plan of the United States District Court for the Middle District of Pennsylvania. In the event that a defendant was represented by counsel who is presently a member of the Criminal Justice Act Panel and is available to serve as counsel, said counsel shall be appointed.

BY THE COURT



YVETTE KANE, CHIEF JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

Dated: Aug 30 2011